

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	Cr. No. 2:05-cr-122-MHT
)	
MATTHEW LEO KELLEY,)	

MOTION TO RESET MAY 16, 2006 EVIDENTIARY HEARING

COMES NOW, Richard K. Keith, attorney for Defendant Kelley, and moves this Honorable Court to reset the May 16, 2006 Evidentiary Hearing in the above-styled cause.

As grounds in support thereof, the following is stated:

1. The undersigned attorney has a murder trial set to commence in Lowndes County on Monday, May 15, 2006 (*State of Alabama v. Robert Mason*, Case No. CC-2005-0058). This trial is expected to last approximately three (3) days.
2. The undersigned also has five (5) trials currently set on the Montgomery County Court's May 15, 2006 Trial Docket, expected to commence on Thursday, May 18, 2006, and Friday, May 19, 2006: (1) *State of Alabama v. Arthur Montgomery*, Case No. CC-2006-0130-TMH; (2) *State of Alabama v. Catherine Payne*, Case No. CC-2005-5036-TMH; (3) *State of Alabama v. Jermaine Leonard*, Case No. CC-2005-1574-TMH; (4) *State of Alabama v. Julian Williams*, Case No. CC-2006-0111-WAS; and (5) *State of Alabama v. Rachelle Baker*, Case No. CC-2006-0218-WAS.
3. Additionally, Kent B. Brunson, Assistant United States Attorney, has been contacted and has no objection to a continuance in this matter.

WHEREFORE, premises considered, the undersigned moves to reset the May 16, 2006 Evidentiary Hearing in this cause.

Respectfully submitted this 3rd day of May, 2006.

s/ Richard K. Keith
RICHARD K. KEITH (KEI003)
Attorney for Defendant
KEITH & DUBIN, P.C.
22 Scott Street
Montgomery, AL 36104-4012
Telephone: (334) 264-6776
Facsimile: (334) 265-5362

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kent B. Brunson, AUSA
United States Attorney's Office
Post Office Box 197
Montgomery, AL 36101-0197

s/ Richard K. Keith
OF COUNSEL